

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RONALD DAVIS §
VS. § CIVIL ACTION NO. 1:03cv236
U.S. PENITENTIARY §

MEMORANDUM OPINION

Plaintiff Ronald Davis, an inmate at the Federal Correctional Complex at Beaumont, Texas, proceeding *pro se*, filed the above-styled lawsuit.

Discussion

An order sent to plaintiff has been returned as undeliverable because the inmate identification number provided by plaintiff does not match plaintiff's name.

Federal Rule of Civil Procedure 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980). See also *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court and appellate review is confined solely in whether the court's discretion was abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978).

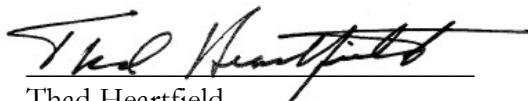
By not providing the court with his correct inmate

identification number, plaintiff has prevented the court from communicating with him and moving this case towards resolution. He has therefore failed to diligently prosecute this case.

Conclusion

For the reasons set forth above, this case will be dismissed for want of prosecution. A final judgment shall be entered in accordance with this memorandum opinion. If plaintiff wishes to have this case reinstated on the court's active docket, he may do so by providing the court with a correct identification number within 60 days of the date set forth below.

SIGNED this the 12 day of **October, 2005**.



Thad Heartfield
Thad Heartfield
United States District Judge